
**State Government & Tribal Affairs
Committee**

HB 2928

Brief Description: Implementing the recommendations of the joint administrative rules review committee.

Sponsors: Representatives Hasegawa, Kretz, Kelley, Kristiansen and Hudgins.

Brief Summary of Bill

- Requires the legislature to approve adopted or proposed agency rules if the Joint Administrative Rules Review Committee (JARRC) finds that agency rules have not been adopted in accordance with all procedures of law; the agency failed to adequately respond to the JARRC's written request for additional information required by statute; or that proposed or existing rules will not be modified, amended, withdrawn, or repealed by the agency in order to conform with the intent of the Legislature.

Hearing Date: 1/29/10

Staff: Marsha Reilly (786-7135).

Background:

In 1981 the Legislature created the Joint Administrative Rules Review Committee (JARRC). The committee consists of eight members, four from the House of Representatives and four from the Senate. The purpose of the committee is to exercise legislative oversight over executive agency rulemaking. The JARRC exercises this oversight in three ways:

- by ensuring that proposed and existing rules are within the intent of the Legislature;
- by ensuring that proposed and existing agency rules are adopted in accordance with all applicable provisions of law; and
- by ensuring that agencies do not use policy or interpretive statements in place of rules.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The JARRC review of agency rules is purely selective. If the JARRC makes an adverse finding regarding an agency rule, it must notify the affected agency of its findings. The agency must then schedule a hearing within 30 days (however, there is no requirement as to when the hearing must be held). Within seven days of the hearing, the agency must notify the JARRC of its intended actions.

If the JARRC finds that the agency response does not address its concerns, it may, within 30 days of the agency's notification, file notice of its objections with the Code Reviser to be published in the State Register. The committee may also recommend to the Governor that the rule be suspended or recommend to the Legislature that the rule's enacting legislation be amended or repealed.

Adverse JARRC findings do not create presumptions in judicial proceedings interpreting agency rules.

Summary of Bill:

The Legislature finds that the JARRC provides an important service and when a majority of the JARRC expresses concerns not adequately addressed or resolved by the agency, the legislative intent is to recognize those concerns by requiring an affirmative action of the Legislature to approve agency rules in response to such adverse findings.

The Legislature is required to affirmatively approve proposed or adopted rules, or direct the agency to modify its rules if the JARRC finds:

- that agency rules have not been adopted in accordance with all procedures of law;
- the agency failed to adequately respond to the JARRC's written request for additional information required by statute; or
- that proposed or existing rules will not be modified, amended, withdrawn, or repealed by the agency in order to conform with the intent of the Legislature.

The act is applied retroactively to all actions taken by the JARRC subsequent to the 2009 legislative session.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.